

aspects of treatment regimen compliance, data collection, supply or delivery, review and modification.” (emphasis added)

The Examiner asserts that Brown’s patient device 110 reads on the claimed “communication device” because it performs functions comprising “medication logging” and “interactive communication.” The Examiner interprets the patient device’s ability to “monitor compliance” and “send feedback” as satisfying these claimed functions (Office Action p. 2, citing Brown Fig. 1, 3/63-4/6). Applicant disagrees with the Examiner’s construction of the claim term “medication logging” as including the compliance monitoring disclosed in Brown.

The medication logging disclosed in the present invention is fundamentally different than compliance monitoring systems like the one disclosed in Brown. Brown is concerned with assuring that patients follow a prescribed treatment regimen, as such, the patient device is programmed to provide reminders for the patient to perform acts, i.e. take medication, as required by the predetermined medical protocol (see e.g. 4/43-51, 5/3-14). The compliance monitor of Brown is programmed with a schedule that sounds an alarm when a prescribed medical act needs to be performed (Fig. 2, step 208). In response to the alarm the patient takes the prescribed medication (Fig. 2, step 209). After which, the patient indicates on the device that the required act was performed (Fig. 2, step 210).

In contrast, the present invention is directed to the entirely different problem of logging the use of self-administered medications, which are taken in response to symptoms or as otherwise needed by the patient (See, e.g., pages 2-3 and 14 of the application). The present invention does not remind the patient to perform acts at predetermined times. Instead, it operates to assist the patient in accurately recording the circumstances surrounding a patient’s decision to use medication and the symptoms or circumstances that necessitated the usage. Accordingly, the

claimed “medication logging” function is not embodied by the scheduled reminders and patient feedback disclosed in Brown. The compliance monitor disclosed in Brown, therefore, does not disclose a personal communication device that performs the function of “medication logging.” Applicant respectfully submits that this demonstrates the inapplicability of Brown to the present invention.

All of the pending claims require a communications device that allows the patient to perform medication logging. Thus, Applicant respectfully submits that all of the pending claims are allowable. Having shown that the cited reference does not teach this limitation Applicant does not address the Examiner’s other contentions.

CONCLUSION

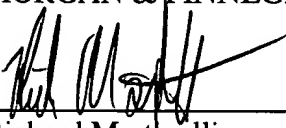
For the foregoing reasons Applicant submits that the Examiner’s rejection has been traversed and that the pending claims are in condition for allowance. As such, allowance of the claims is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4297-4017.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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By: _____


Richard Martinelli
Registration No. 52,003

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile